

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARQUISE DEANGELO LOFTIS,

Plaintiff,

v.

ARISCO, *et al.*,

Defendants.

Case No. 1:22-cv-01266-JLT-BAM (PC)

ORDER DISREGARDING OBJECTIONS TO
FINDINGS AND RECOMMENDATIONS AS
MOOT
(ECF No. 16)

ORDER STRIKING LODGED SECOND
AMENDED COMPLAINT
(ECF No. 17)

Plaintiff Marquise DeAngelo Loftis (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 18, 2023, the Court issued a screening order granting Plaintiff leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days. (ECF No. 9.) Following an extension of time, the March 27, 2023 deadline for Plaintiff’s first amended complaint or notice of voluntary dismissal expired. (ECF No. 11.) Therefore, on April 10, 2023, the Court issued findings and recommendations to dismiss this action, with prejudice, for failure to state a claim, failure to obey court orders, and failure to prosecute. (ECF No. 13.)

On April 20, 2023, Plaintiff filed a first amended complaint. (ECF No. 14.) The Court accepted the first amended complaint as timely filed and vacated the pending findings and recommendations. (ECF No. 15.)

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1 On April 24, 2023, Plaintiff filed objections to the April 10, 2023 findings and
2 recommendations and a further amended complaint, which was lodged as a second amended
3 complaint. (ECF Nos. 16, 17.) As discussed previously, the April 10, 2023 findings and
4 recommendations have been vacated with the filing of Plaintiff's first amended complaint, and
5 therefore Plaintiff's objections are disregarded as moot.

6 Further, upon comparison of the April 20, 2023 first amended complaint and the April 24,
7 2023 lodged second amended complaint, it appears they are duplicate documents. The lodged
8 second amended complaint is therefore stricken as duplicative. Plaintiff should not file another
9 amended complaint in this action unless specifically directed to do so by the Court.

10 Accordingly, IT IS HEREBY ORDERED as follows:

- 11 1. Plaintiff's objections to the April 10, 2023 findings and recommendations, (ECF No. 16),
12 are DISREGARDED as moot;
- 13 2. Plaintiff's lodged second amended complaint, (ECF No. 17), is STRICKEN as duplicative
14 of the first amended complaint; and
- 15 3. Plaintiff's first amended complaint, filed April 20, 2023, will be screened in due course.

16
17 IT IS SO ORDERED.

18 Dated: April 25, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE